

REMARKS

As a preliminary matter, Applicant notes that on the initialed copy of the Information Disclosure Citation (Form PTO-1449) that was originally filed with the Information Disclosure Statement of June 20, 2006, the Examiner drew a line through JP 1982-164091, indicating that this reference was not considered. However, Applicant respectfully requests consideration of this reference, which can be found in the Electronic File Wrapper (EFW) of the present application as a seven (7) page foreign reference with a date of September 6, 2006. The pdf of this document in the EFW reveals that JP 57-164091 (where “57” is the Japanese designation for the year 1982) is equivalent to the document 59-67307 (where “59” is the Japanese designation for the year 1984). Accordingly, as this document was properly presented for the Examiner for consideration, Applicant respectfully requests that the Examiner consider this document and that an indication of such consideration (of either JP 1984(59)-67307 or JP 1982(57)-164091) be forwarded to Applicant’s representative at the address of record.

As an additional preliminary matter, Applicant appreciates the Examiner’s indication that Claim 6 has been allowed. With this response, Applicant is amending Claim 6 so that it refers to a “fixing apparatus,” as opposed to the “fixing tool,” of original Claim 6. Applicant respectfully submits that Claim 6, as amended, is still allowable over the references of record. Accordingly, Applicant respectfully requests an indication of the allowance of amended independent Claim 6.

The Examiner objected to the Abstract for being of improper format. In response, Applicant has amended the Abstract to overcome this objection. Accordingly, withdrawal of this objection is respectfully requested.

The Examiner objected to Claims 2-5 as being of improper dependent form for allegedly failing to further limit the subject matter of the associated independent claim. Applicant has cancelled Claims 3 and 4, without prejudice, and Applicant has amended Claims 2 and 5. Applicant respectfully traverses this objection in light of amended Claims 2 and 5, as discussed below.

It appears as though the Examiner may have mis-interpreted the word “tool.” In response, in order to avoid such mis-interpretation, Applicant has amended the claims as indicated above, in which the word “tool” is replaced with the word “apparatus.” Applicant respectfully submits that the claim amendments indicated above have overcome this objection. Accordingly, withdrawal of this objection is respectfully requested.

Claims 2 and 3 stand rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Applicant has cancelled Claim 3, without prejudice, thereby rendering this rejection moot with respect to this claim. However, with respect to Claim 2, Applicant respectfully traverses this rejection.

Applicant has amended Claim 2 to more clearly recite that the housing extended portion is “integrally formed” with the housing (as opposed to the original language that recited that the housing extended portion was “in one body” with the housing).

Applicant respectfully submits that Claim 2, as amended, clearly defines the feature at issue, and thus Applicant respectfully requests the withdrawal of this §112, second paragraph, rejection of Claim 2.

Claims 1-5 stand rejected under 35 U.S.C. §102(b) as being anticipated by United States Patent No. 4,244,088 to Sauer. Claims 3 and 4 have been cancelled, without prejudice, thereby rendering this rejection moot with respect to these claims. However, with respect to Claims 1, 2 and 5, Applicant respectfully traverses this rejection.

Applicant respectfully submits that the cited reference fails to disclose all of the features of amended independent Claim 1. More specifically, Applicant respectfully submits that the Sauer reference fails to disclose an apparatus for fixing an installation object on a wheel that includes, *inter alia*, a rotation restraining mechanism that restrains rotation of the housing caused by tightening torque of the worm screw by including at least one housing extended portion that projects more outward than the housing in a width direction of the band, and “wherein said at least one housing extended portion comprises a plate with a cutout portion therein, where said cutout portion is formed by cutting a portion of said plate and folding said portion over the band,” as now defined in amended independent Claim 1.

One example of an embodiment that includes the features discussed above is shown in Applicant’s Figures 3A and 3B. More specifically, these figures show a rotation restraining mechanism that restrains rotation of the housing 5 caused by tightening torque of the worm screw 4 by including at least one housing extended portion 15 that projects more outward than the housing 5 in a width direction of the band 1. It should be noted that two

housing extended portions 15 are shown in the embodiment of Figures 3A and 3B (while Figure 4 shows an embodiment with only one housing extended portion, which embodiment is also covered by Claim 1). Further, Figures 3A and 3B also show how housing extended portions 15 each comprise a plate with a cutout portion therein, where the cutout portion is formed by cutting a portion of the plate and folding the portion over the band 1a/1b.

In contrast, the Sauer reference lacks the features discussed above, among other things. More specifically, Figures 12A and 12B of the Sauer reference, which were the figures relied upon by the Examiner for the rejection, show an extension 71 that extends outwardly from the housing 21j. However, extension 71 of Sauer lacks the claimed “cutout portion” that is formed by cutting a portion of the plate and folding it over the band, as now defined in amended independent Claim 1. Instead, extension 71 of Sauer is a solid portion that is of double thickness because components 73 and 75 are stacked upon each other, as shown in Figures 12A and 12B. Such a configuration uses more material than that of Applicant’s Figures 3A and 3B embodiment, which does not include such a double thickness portion, but which instead has a housing extended portion 15, of a single thickness, with a cutout portion, and where the material from the cutout portion is folded over the band to create the housing 5.

Additionally, Applicant also respectfully submits that none of the other embodiments of the Sauer reference disclose the apparatus defined in amended independent Claim 1. Accordingly, as all of the features of amended independent Claim 1 are not

disclosed in the Sauer reference, Applicant respectfully requests the withdrawal of this §102(b) rejection of independent Claim 1 and associated dependent Claim 2.

With regard to dependent Claim 5, this claim has been amended to refer to new independent Claim 8, which will be discussed below.

With regard to new independent Claims 7 and 8, Applicant respectfully submits that these claims are also allowable over the Sauer reference, as discussed in more detail below.

Two examples of embodiments defined in new independent Claim 7 are represented in Applicant's Figures 5 and 6. As can be seen in Figures 5 and 6, each of these embodiments includes, *inter alia*, a rotation restraining mechanism which restrains rotation of the housing 5 caused by a tightening torque of the worm screw by including at least one "band extended portion" 11 that projects more outward than the housing 5 in a width direction of the band, and wherein the at least one band extended portion 11 "comprises a portion of said band that extends outwards from said band in the width direction, and further wherein said at least one band extended portion is integrally formed with said band of a same material as said band," as defined in new independent Claim 7. In contrast to the claimed "band extended portion" of Claim 7, all of the extensions of the Sauer reference are integrally formed with the housing of the same material of the housing, and thus are not "integrally formed with said band of a same material as said band," as defined in Claim 7. Accordingly, for at least this reason, Applicant respectfully submits that new independent Claim 7 is allowable over the Sauer reference.

With regard to new independent Claim 8, and associated dependent Claims 5 and 9, Applicant's Figures 7 and 8 show two examples of embodiments that read on these claims. As can be seen in Applicant's Figures 7 and 8, these embodiments each include a rotation restraining mechanism which restrains rotation of the housing 5 caused by a tightening torque of the worm screw 4 by including at least one extended portion 8 that projects more outward than the housing 5 in a width direction of the band, wherein this at least one extended portion 8 includes a portion extending outwards from the housing 5 in a widthwise direction of the band 1a/1b, and further wherein the widthwise direction extending portion 8 is installed onto the housing 5. In contrast, the extension 71 of Figures 12A and 12b of the Sauer reference is integrally formed with the housing 21j, and thus is not "installed onto the housing," as defined in new independent Claim 8. Thus, for at least this reason, Applicant respectfully submits that new independent Claim 8 and associated dependent Claims 5 and 9 are allowable over the Sauer reference. Further, dependent Claims 5 and 9 are also allowable over the Sauer reference because these claim defines additional details of the embodiments of Applicant's Figures 7 and 8, such as the "extended portion [becoming] deformed along a contour of the rim well portion," as defined in Claim 5, and the "plurality of fins extending in a heightwise direction," as defined in Claim 9.

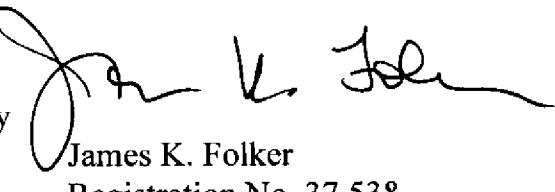
For all of the above reasons, Applicant requests reconsideration and allowance of the claimed invention. Should the Examiner be of the opinion that a telephone conference would aid in the prosecution of the application, or that outstanding issues exist, the Examiner is invited to contact the undersigned attorney.

If a Petition under 37 C.F.R. §1.136(a) for an extension of time for response is required to make the attached response timely, it is hereby petitioned under 37 C.F.R. §1.136(a) for an extension of time for response in the above-identified application for the period required to make the attached response timely. The Commissioner is hereby authorized to charge fees which may be required to this application under 37 C.F.R. §§1.16-1.17, or credit any overpayment, to Deposit Account No. 07-2069.

Respectfully submitted,

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